

**Previous s.16 Applications within "R(D)" zone  
on the San Tin OZP No. S/YL-ST/8**

**Approved Applications**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Date of Consideration</u> <b><u>(RNTPC/TPB/AB)</u></b></b>	<b><u>Approval Conditions</u></b>
1.	A/DPA/YL-ST/15	Temporary Open Container Vehicle Parking for a Period of 3 Years	3.9.1993 Approved by RNTPC (3 years)	(4)
2.	A/YL-ST/71	Temporary public car park for a period of 3 years	11.12.1998 Approved by RNTPC (3 years)	(2), (3)
3.	A/YL-ST/96	Temporary container tractor/trailer park with ancillary repair area for a period of 12 months	10.9.1999 Approved by RNTPC (12 months)	(2), (3), (6)
4.	A/YL-ST/198*	Temporary container trailer/tractor park for a period of 3 years	10.5.2002 Approved by RNTPC (3 years) [revoked on 10.5.2003]	(2), (3), (5),
5.	A/YL-ST/230	Temporary container trailer/tractor park for a period of 3 years	21.3.2003 Approved by RNTPC (3 years)	(2), (3), (5)
6.	A/YL-ST/311	Temporary public vehicle park (including container vehicle and heavy goods vehicle) for a period of 3 years	2.6.2006 Approved by RNTPC (3 years)	(1), (2), (3), (11)
7.	A/YL-ST/371	Temporary public vehicle park (including container vehicles and heavy goods vehicles) for a period of 3 years	7.8.2009 Approved by RNTPC (3 years)	(2), (3), (6), (7), (8),
8.	A/YL-ST/416	Temporary public vehicle Park (including container vehicles and heavy goods vehicles) for a period of 3 years	20.7.2012 Approved by RNTPC (3 years)	(1), (2), (3), (5), (6), (7), (8), (9), (10)
9.	A/YL-ST/468	Renewal of planning approval for temporary public vehicle park (including container vehicles and heavy goods	17.7.2015 Approved by RNTPC (3 years)	(1), (2), (3), (5), (6), (7), (8)

		vehicles) for a period of 3 years		
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\*denotes permission revoked

**Approval Conditions**

- (1) The submission and implementation of fire service installations proposal/ the provision of fire extinguisher(s).
- (2) The submission and implementation of drainage proposal/The existing drainage facilities on the site should be maintained at all times during the planning approval period/The submission of a condition record of the existing drainage facilities/as-built drainage plans and photographic records of the existing drainage facilities.
- (3) The submission and implementation of landscaping and tree preservation proposals/The existing trees/landscape planting on the site should be maintained at all times during the approval period/The implementation of compensatory planting.
- (4) The submission and provision of stormwater/wastewater collection and disposal facilities.
- (5) The provision of boundary fencing/the paving and boundary fencing on the site should be maintained.
- (6) No operation for certain time limit specified in the approved conditions of respective applications.
- (7) No operation on Sundays and public holidays.
- (8) No cutting, dismantling, repairing and workshop activity.
- (9) The submission and provision of buffer area proposal.
- (10) The submission and provision of a proper run-in /a vehicular access and run-in/car parking arrangement should be maintained.
- (11) The submission of internal traffic management.

**Rejected Applications**

<b><u>No.</u></b>	<b><u>Application No.</u></b>	<b><u>Proposed Uses</u></b>	<b><u>Date of Consideration (RNTPC/TPB)</u></b>	<b><u>Main Reasons for Rejection</u></b>
1.	A/YL-ST/21	Temporary container vehicle park for a period of 12 months	20.12.1996 Rejected by RNTPC	(1), (2), (3)
2.	A/YL-ST/165	Temporary container tractor/trailer park with ancillary repair area for a period of 3 years	30.3.2001 Rejected by RNTPC	(3), (4)

**Main Reasons for Rejection:**

- (1) The development is not in line with the planning intention of the "Residential (Group D)" zone which is to improve and to upgrade the existing temporary domestic accommodations. There is no strong justification to merit a departure from this

planning intention even on a temporary basis.

- (2) There is insufficient information in the submission to demonstrate that the development will not cause interface problem between the development and the residential settlements nearby.
- (3) The approval of the application will set an undesirable precedent for similar applications, the cumulative effect of which will further degrade the environment of the area.
- (4) There is insufficient information in the submission to demonstrate that the development would not have adverse environmental, drainage and sewage impacts on the surrounding areas including the nearby residential use and the Deep Bay



**Similar s.16 Applications within “R(D)” zone**  
**on the San Tin OZP No. S/YL-ST/8**

**Approved Applications**

<b>No.</b>	<b>Application No.</b>	<b>Proposed Use(s)/ Development(s)</b>	<b>Date of Consideration (RNTPC/TPB)</b>	<b>Approval Condition(s)</b>
1.	A/YL-ST/360*	Renewal of planning approval for temporary open storage of containers and container trailer park with ancillary facilities (with a 2,000L diesel oil tank) for a period of 3 years	13.3.2009 Approved by RNTPC (2 years) [revoked on 13.10.2010]	(1) - (7), (15) - (17)
2.	A/YL-ST/361	Renewal of planning approval for temporary open storage of containers and container trailer park with ancillary facilities for a period of 3 years	13.3.2009 Approved by RNTPC (3 years)	(1) - (7), (13), (15) - (17)
3.	A/YL-ST/373*	Renewal of planning approval for temporary container tractor/trailer park with vehicle repair areas and canteen for a period of 3 years	18.9.2009 Approved by RNTPC (3 years) [revoked on 18.7.2011]	(1) - (8), (18)
4.	A/YL-ST/374	Renewal of planning approval for temporary parking of lorry cranes for sale with ancillary maintenance workshop for a period of 3 years	18.9.2009 Approved by RNTPC (3 years)	(1) - (7)
5.	A/YL-ST/375	Temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office for a period of 3 years	18.9.2009 Approved by RNTPC (3 years)	(1) - (9)
6.	A/YL-ST/404	Temporary open storage of containers and cargo handling and forwarding facilities with ancillary container vehicle park and with ancillary vehicle repair workshop for a period of 3 years	17.6.2011 Approved by RNTPC (3 years)	(1) - (7), (9), (11), (13), (15) - (17)
7.	A/YL-ST/414*	Temporary open storage of containers and cargo handling and forwarding facilities with ancillary container trailer park	18.5.2012 Approved by RNTPC (3 years)	(1) - (7), (9), (11) - (13), (15) - (17)

		and vehicle repair workshop	[revoked on 18.6.2014]	
8.	A/YL-ST/418	Renewal of planning approval for temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office for a period of 3 years	7.9.2012 Approved by RNTPC (3 years)	(1) - (12)
9.	A/YL-ST/420	Renewal of planning approval for temporary parking of lorry cranes for sale with ancillary maintenance workshop for a period of 3 years	7.9.2012 Approved by RNTPC (3 years)	(1) - (7), (9) - (13)
10.	A/YL-ST/455	Temporary logistic centre with ancillary container vehicle park, vehicle repair workshop and car beauty service for a period of 3 years	12.12.2014 Approved by RNTPC (3 years)	(1) - (7), (12), (13), (16), (17)
11.	A/YL-ST/465	Temporary cargo handling and forwarding facilities and open storage of containers with vehicle repair workshop for a period of 3 years	22.5.2015 Approved by RNTPC (3 years)	(1) - (7), (9), (11) - (13), (16), (17)
12.	A/YL-ST/475*	Temporary vehicle park for goods vehicles and container vehicles and tyre repair area with ancillary canteen and site office for a period of 3 years	4.9.2015 Approved by RNTPC (3 years) [revoked on 4.2.2018]	(1) - (7), (13), (15)
13.	A/YL-ST/478	Temporary parking of lorry cranes for sale with ancillary maintenance workshop for a period of 3 years	9.10.2015 Approved by RNTPC (3 years)	(1) - (6), (9), (11) - (13)
14.	A/YL-ST/512	Renewal of planning approval for temporary logistic centre with ancillary container vehicle park, vehicle repair workshop and car beauty service for a period of 3 years	8.12.2017 Approved by RNTPC (3 years)	(1) - (7), (12), (13), (16), (17)

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#### Approval Conditions

- (1) No night time operation.
- (2) No operation on Sundays and public holidays.
- (3) Submission/implementation of drainage proposal/as-built drainage plan/condition record of the existing drainage facilities / maintenance of existing drainage facilities
- (4) Submission/implementation of landscape and tree preservation proposal/as-planted plan/tree preservation and compensation proposal / maintenance of landscape planting/existing trees/vegetation.
- (5) Submission / provision / implementation of FSIs proposal / provision of fire

- extinguishers.
- (6) Revocation clause.
  - (7) Reinstatement clause.
  - (8) No vehicles without valid licences are to be parked/stored on-site.
  - (9) Submission of proposal / Provision / maintenance of a proper run in / vehicular access.
  - (10) Maintenance of paving.
  - (11) No reversing in or out from the site.
  - (12) Submission of proposal /provision of buffer area.
  - (13) Maintenance/provision of paving / boundary fencing.
  - (14) No workshop activity including container and vehicle repairing on-site.
  - (15) Setting back of the site boundary to avoid encroachment.
  - (16) Stacking height of containers/materials stored within 5m of the periphery should not exceed the height of the boundary fence.
  - (17) Stacking height of containers should not exceed 7 / 8 units.
  - (18) Diversion of existing water mains at the northern part of the site or provision of a Waterworks Reserve.





**Recommended Advisory Clauses**

- (a) to resolve any land issues relating to the temporary use with the concerned owner(s) of the Site;
- (b) to note DLO/YL, LandsD's comments that the Site comprises Old Schedule Agricultural Lots held under the Block Government Lease which contains the restriction that no structures are allowed to be erected without the prior approval of the Government. Portions of GL with total area of about 867m<sup>2</sup> of the Site are covered by a Short Term Tenancy (STT) No. 2882 for the purpose of "Temporary Public Vehicle Park" (including Container Vehicles and Heavy Goods Vehicles). No permission is given for occupation of the remaining GL ("the remaining GL") with an area of about 1m<sup>2</sup> (subject to verification) included in the Site. The act of occupation of the remaining GL without Government's prior approval is not allowed. The private land of Lot Nos. 158 and 162 RP in D.D. 105 are covered by Short Term Waiver (STW) Nos. 3563 and 3564 respectively to permit structures for the purpose of "Temporary Public Vehicle Park (including Container Vehicles and Heavy Goods Vehicles)". The Site is accessible to Castle Peak Road - San Tin through GL. His office provides no maintenance work for the GL involved and does not guarantee any right-of-way over the GL to the Site. The Site does not fall within Shek Kong Airfield Height Restriction Area. Should planning approval be given to the application, the STT/STW holders will need to apply to his office for modification of the STT/STW conditions if there is any irregularity on-site. Besides, the applicant has to either exclude the remaining GL from the Site or apply for a formal approval prior to the actual occupation of the remaining GL. Furthermore, the lot owner of the lot without STW will need to apply to his office for permitting the structures to be erected or regularize any irregularities on-site. Such application will be considered by the LandsD acting in the capacity of the landlord or lessor at its sole discretion and there is no guarantee that such application will be approved. If such application is approved it will be subject to such terms and conditions, including among others the payment of premium or fee, as may be imposed by LandsD;
- (c) to note CHE/NTW, HyD's comments that adequate drainage measures should be provided to prevent surface water running from the Site to the nearby public roads and drains;
- (d) to note D of FS's comments that in consideration of the design/nature of the proposal, Fire Service Installations (FSIs) are anticipated to be required. Therefore, the applicant is advised to submit relevant layout plans incorporated with the proposed FSIs to his Department for approval. The applicant is advised on the following points: the layout plans should be drawn to scale and depicted with dimensions and nature of occupancy; and the location of where the proposed FSIs to be installed should be clearly marked on the layout plans. The applicant is reminded that if the proposed structure(s) is required to comply with the Buildings Ordinance (Cap. 123), detailed fire service requirements will be formulated upon receipt of formal submission of general building plans;
- (e) to note CBS/NTW, BD's comments that there is no record of approval by the Building Authority (BA) for the structures existing at the Site and Buildings Department (BD) is

not in a position to offer comments on their suitability for the use related to the application. If the existing structures are erected on leased land without approval of the BD (not being New Territories Exempted Houses), they are unauthorized under the Buildings Ordinance (BO) and should not be designated for any approved use under the application. Before any new building works (including containers as temporary buildings) are to be carried out on the Site, prior approval and consent of the BA should be obtained, otherwise they are Unauthorized Building Works (UBW). An Authorized Person (AP) should be appointed as the co-ordinator for the proposed building works in accordance with the BO. For UBW erected on leased land, enforcement action may be taken by the BA to effect their removal in accordance with BD's enforcement policy against UBW as and when necessary. The granting of any planning approval should not be construed as an acceptance of any existing building works or UBW on the Site under the BO. The Site shall be provided with means of obtaining access thereto from a street and emergency vehicular access in accordance with Regulations 5 and 41D of the Building (Planning) Regulations (B(P)R) respectively. If the Site does not abut on a specified street of not less than 4.5m wide, its permitted development intensity shall be determined under Regulation 19(3) of the B(P)R at the building plan submission stage;

- (f) to note CE/MN, DSD's comments that the applicant implemented the drainage facilities on-site under previous planning Application No. A/YL-ST/468 and the drainage implementation works were considered satisfactory at that time. Under the current application, the applicant has to provide DSD with a set of latest record photographs showing the completed drainage works (including the internal condition of the drains). He will then liaise with the applicant to arrange a joint site inspection for the completed drainage works with reference to the latest record photographs. The applicant shall ascertain that all existing flow paths would be properly intercepted and maintained without increasing the flooding risk of the adjacent areas. The applicant is reminded that the proposed drainage proposal / works as well as the site boundary should not cause encroachment upon areas outside his jurisdiction. No public sewerage maintained by CE/MN, DSD is currently available for connection. For sewage disposal and treatment, agreement from DEP shall be obtained. The applicant should consult DLO/YL, LandsD regarding all the proposed drainage works outside the lot boundary in order to ensure the unobstructed discharge from the Site in future. All the proposed drainage facilities should be constructed and maintained by the applicant at his own cost. The applicant should ensure and keep all drainage works on-site under proper maintenance at all times;
- (g) to note DLCS's comments that in the application, the development proposal would not involve felling of trees and/or cause damage to branches and roots of trees. However the applicant is reminded of the following: from tree preservation point of view, every possible effort should be made to preserve existing trees within and adjacent to the work site and minimize the adverse impact to them during the works period; if trees are inevitably affected, Tree Preservation and Removal Proposal (TPRP) should be submitted for approval in accordance with DEVB TC(W) No. 7/2015; it is also noted from the Lot Index Plan that landscaping is proposed at the site boundary. Maintenance of these landscape areas should rest with the developer;
- (h) to note DFEH's comments that if any Food and Environmental Hygiene Department (FEHD)'s facility is affected by the development, FEHD's prior consent must be obtained. Re-provisioning of the affected facilities by the project proponent up to the satisfaction of FEHD may be required. Besides, the project proponent should provide sufficient amount

of additional recurrent cost for management and maintenance of the reprovisioned facilities to FEHD; proper licence / permit issued by his Department is required if there is any food business / catering service / activities regulated by the Director of Food and Environmental Hygiene (DFEH) under the Public Health and Municipal Services Ordinance (Cap. 132) and other relevant legislation for the public and the operation of any business should not cause any obstruction. If the proposal involves any commercial/trading activities, no environmental nuisance should be generated to the surroundings. Also, for any waste generated from the commercial/trading activities, the applicant should handle on their own/at their expenses; and

- (i) to follow the latest “Code of Practice on Handling the Environmental Aspects of Temporary Uses and Open Storage Sites” issued by the Environmental Protection Department to minimize potential environmental impacts on the surrounding area.

